

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STEPHEN H. ZUBER <i>Petitioner</i>	:	CIVIL ACTION
	:	
	:	NO. 19-6111
v.	:	
	:	
SUPERINTENDENT JAMEY LUTHER, et al., <i>Respondents</i>	:	
	:	

ORDER

AND NOW, this 23rd day of November 2020, upon consideration of the *Report and Recommendation* issued on August 25, 2020, by the Honorable Marilyn Heffley, United States Magistrate Judge (the “Magistrate Judge”), [ECF 14], to which no objections were filed¹ by Petitioner Stephen H. Zuber (“Petitioner”), and after a careful and independent review of the record, it is hereby **ORDERED** that:

1. The *Report and Recommendation* is **APPROVED** and **ADOPTED**;²
2. The petition for writ of *habeas corpus* is **DENIED**, with prejudice;
3. There is no probable cause to issue a certificate of appealability; and
4. The Clerk of Court shall mark this case **CLOSED**.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court

¹ After the Report and Recommendation (the “R&R”) was issued, Petitioner requested, [ECF 16, 17], and was granted, [ECF 18], an extension of time to file objections to the R&R. The revised deadline for Petitioner’s objections was October 26, 2020. As of the date of this Order, Petitioner has not filed any objections and the time to do so has well expired.

² In the R&R, the Magistrate Judge recommends that Petitioner’s *habeas* petition be dismissed for lack of merit. [ECF 14]. As noted, Petitioner did not file any objections and/or response to the R&R. Therefore, in the absence of any objections, the R&R is reviewed under the “plain error” standard. *See Facyson v. Barnhart*, 2003 WL 22436274, at *2 (E.D. Pa. May 30, 2003). Under this plain error standard of review, an R&R should only be rejected if the magistrate judge commits an error that was “(1) clear or obvious, (2) affect[ed] substantial rights, and (3) seriously affected the fairness, integrity or public reputation of judicial proceedings.” *Leyva v. Williams*, 504 F.3d 357, 363 (3d Cir. 2007)(internal quotations and citations omitted). Here, after a thorough, independent review of the record and the R&R, this Court finds that the Magistrate Judge did not commit any error and, therefore, approves and adopts the R&R in its entirety.